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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 THEODORE STEVENS,

7 Plaintiff,

8 v.

9 MICHAEL MEE ESQ., ET AL.

10 Defendants.

Case No. 3:24-cv-00525-MMD-

ORDER

11 On November 11, 2024, pro se Plaintiff Theodore Stevens initiated this action by  
12 filing a document that names two attorneys (Michael Mee Esq. and Steven Wolfson Esq.)  
13 and references an appeal from a motion to correct sentence in the Eighth Judicial District  
14 Court, Clark County, Nevada. (ECF No. 1-1.) On November 21, 2024, the Court issued  
15 an order directing Plaintiff to either complete an application to proceed *in forma pauperis*  
16 (“IFP”) or pay the filing fee by December 23, 2024. (ECF No. 4.) The Court cautioned that  
17 failure to timely comply may result in dismissal. Plaintiff failed to comply. Accordingly,  
18 United States Magistrate Judge Craig S. Denney issued a Report and Recommendation  
19 (“R&R”), recommending dismissal of this action because Plaintiff failed to file a complete  
20 IFP application or pay the filing fee as directed. (ECF No. 9.) Plaintiff had until January  
21 10, 2025, to file an objection to the R&R. The Court extended the deadline to object to  
22 February 7, 2025. (ECF No. 16.) To date, Plaintiff has failed to file an objection.

23 Because there is no objection, the Court need not conduct de novo review, and is  
24 satisfied that Judge Denney did not clearly err. *See United States v. Reyna-Tapia*, 328  
25 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and  
26 recommendations is required if, but *only* if, one or both parties file objections to the  
27 findings and recommendations.”) (emphasis in original)). Plaintiff has not filed an IFP  
28 application or paid the filing fee.

1 In addition, Plaintiff recently filed a motion to stay (ECF No. 22) and a motion titled  
2 "Request for PLRA Waiver to NV AG" (ECF No. 21 ("Waiver Motion")). In the motion to  
3 stay, Plaintiff writes that he has sent a request "to the NV AG's office to see whether or  
4 not they will waive the exhaust. req. to defendants Garcia, Ramirez[,] if yes I pay the \$405  
5 . . ." (ECF No. 22.) Plaintiff further writes, "if no I would ask for another ext. of 150 days  
6 to exhaust . . ." (*Id.*) However, neither motion warrants further extending the deadline for  
7 Plaintiff to file a complete IFP application or pay the filing fee. The Court will deny both  
8 motions. First, regarding the Waiver Motion, the Court cannot compel "the NV AG" to  
9 waive exhaustion. Second, Plaintiff cannot condition his compliance with the Court's order  
10 to submit a complete IFP application or pay the filing fee on whether any administrative  
11 exhaustion requirement is waived. More importantly, it is not clear based on the numerous  
12 filings what claims Plaintiff wishes to bring. The Court notes, however, that Plaintiff can  
13 file a new action if he needs time to exhaust his administrative remedies.

14 It is therefore ordered that Judge Denney's Report and Recommendation (ECF  
15 No. 9) is accepted and adopted in full.

16 It is further ordered that this case is dismissed without prejudice.

17 It is further ordered that Plaintiff's motion to stay case (ECF No. 22) and motion for  
18 waiver (ECF No. 21) are denied.

19 It is further ordered that all other pending motions are denied as moot.

20 The Clerk of Court is directed to close this case.

21 DATED THIS 10<sup>th</sup> Day of February 2025.

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24 MIRANDA M. DU  
25 UNITED STATES DISTRICT JUDGE  
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